



# नेपाल राजपत्र

श्री ५ को सरकारद्वारा प्रकाशित

खण्ड ४७) काठमाडौं, मंसिर ९ गते २०५४ साल (अतिरिक्ताङ्क ४०(ख))

## भाग ५

श्री ५ को सरकार

कानून तथा न्याय मन्त्रालयको सूचना

प्रतिनिधि सभाको मिति २०५४ आश्विन १५ मा बसेको बैठकले अन्तर्राष्ट्रिय दूरसंचार संघको विधान तथा महासन्धि, जेनेभा, १९९२ (The Constitution and Convention of the International Telecommunication Union, Geneva, 1992) लाई अनुमोदन गर्ने निर्णय गरेकोले नेपाल सन्धि ऐन, २०४७ को दफा १२ को प्रयोजनको लागि सो विधान तथा महासन्धिको अंग्रेजी भाषाको प्रामाणिक प्रति प्रकाशन गरिएको छ ।

## CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएको छ, मात्र लागु हुनेछ।



## Preamble

- 1 While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as "the Convention") which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows:

## CHAPTER I

### Basic Provisions

#### ARTICLE 1

#### Purposes of the Union

- 2 1. The purposes of the Union are:
- 3 a) to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;
- 4 b) to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material and financial resources needed for implementation;
- 5 c) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;
- 6 d) to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;
- 7 e) to promote the use of telecommunication services with the objective of facilitating peaceful relations;



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- 8 f) to harmonize the actions of Members in the attainment of those ends;
- 9 g) to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global infor-

mation economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

- 10 2. To this end, the Union shall in particular:

- 11 a) effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and registration of radio-frequency assignments and any associated orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different countries;
- 12 b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum and of the geostationary-satellite orbit for radiocommunication services;
- 13 c) facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;
- 14 d) foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
- 15 e) coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;
- 16 f) foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

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- 17 g) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
- 18 h) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;
- 19 i) promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, inter alia, at extending telecommunication services to the most isolated areas in countries.

## ARTICLE 2

### Composition of the Union

- 20 The International Telecommunication Union shall, having regard to the principle of universality and the desirability of universal participation in the Union, be composed of:
- 21 a) any State which is a Member of the Union as a Party to any International Telecommunication Convention prior to the entry into force of this Constitution and the Convention;
- 22 b) any other State, a Member of the United Nations, which accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution;
- 23 c) any other State, not a Member of the United Nations, which applies for membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution. If such application for membership is



made during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

### ARTICLE 3

#### Rights and Obligations of Members

- 24 1. Members of the Union shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.
- 25 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:
- 26 a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;
- 27 b) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all radiocommunication assemblies and study group meetings and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;
- 28 c) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Members of the region concerned shall have the right to vote.



ARTICLE 4

Instruments of the Union

- 29 1. The instruments of the Union are:
- this Constitution of the International Telecommunication Union,
  - the Convention of the International Telecommunication Union, and
  - the Administrative Regulations.
- 30 2. This Constitution, the provisions of which are complemented by those of the Convention, is the basic instrument of the Union.
- 31 3. The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Members:
- International Telecommunication Regulations,
  - Radio Regulations.
- 32 4. In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.



## ARTICLE 5

### Definitions

- 33 Unless the context otherwise requires:
- 34 a) the terms used in this Constitution and defined in its Annex, which forms an integral part of this Constitution, shall have the meanings assigned to them in that Annex;
- 35 b) the terms – other than those defined in the Annex to this Constitution – used in the Convention and defined in the Annex thereto, which forms an integral part of the Convention, shall have the meanings assigned to them in that Annex;
- 36 c) other terms defined in the Administrative Regulations shall have the meanings therein assigned to them.

## ARTICLE 6

### Execution of the Instruments of the Union

- 37 1. The Members are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.
- 38 2. The Members are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.



ARTICLE 7

**Structure of the Union**

- 39 The Union shall comprise:
- 40 a) the Plenipotentiary Conference, which is the supreme organ of the Union;
- 41 b) the Council, which acts on behalf of the Plenipotentiary Conference;
- 42 c) world conferences on international telecommunications;
- 43 d) the Radiocommunication Sector, including world and regional radio-communication conferences, radiocommunication assemblies and the Radio Regulations Board;
- 44 e) the Telecommunication Standardization Sector, including world telecommunication standardization conferences;
- 45 f) the Telecommunication Development Sector, including world and regional telecommunication development conferences;
- 46 g) the General Secretariat.

ARTICLE 8

**Plenipotentiary Conference**

- 47 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened every four years.
- 48 2. The Plenipotentiary Conference shall:
- 49 a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;



- 50 b) after considering the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the recommended strategic policy and planning for the Union, adopt all decisions it considers appropriate;
- 51 c) establish the basis for the budget of the Union and determine, in the light of its decisions taken on the reports referred to in No. 50 above, a ceiling for the expenditure of the Union until the next Plenipotentiary Conference after considering all relevant aspects of the work of the Union in that period;
- 52 d) provide any general directives dealing with the staffing of the Union and, if necessary, fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;
- 53 e) examine the accounts of the Union and finally approve them, if appropriate;
- 54 f) elect the Members of the Union which are to serve on the Council;
- 55 g) elect the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux of the Sectors as elected officials of the Union;
- 56 h) elect the members of the Radio Regulations Board;
- 57 i) consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention respectively;
- 58 j) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded by the Council on behalf of the Union, and take such measures in connection therewith as it deems appropriate;
- 59 k) deal with such other telecommunication questions as may be necessary.



ARTICLE 9

**Principles Concerning Elections and Related Matters**

60 1. The Plenipotentiary Conference, at any elections referred to in Nos. 54 to 56 of this Constitution, shall ensure that:

61 a) the Members of the Council are elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;

62 b) the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall all be nationals of different Members, and at their election, due consideration should be given to equitable geographical distribution amongst the regions of the world; as far as the elected officials are concerned, due consideration should also be given to the principles embodied in No. 154 of this Constitution;

63 c) the members of the Radio Regulations Board shall be elected, in their individual capacity, from the candidates proposed by the Members of the Union; each Member may propose only one candidate who shall be one of its nationals.

64 2. The procedures for these elections shall be established by the Plenipotentiary Conference. Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.

ARTICLE 10

**The Council**

65 1. (1) The Council shall be composed of Members of the Union elected by the Plenipotentiary Conference in accordance with the provisions of No. 61 of this Constitution.



- 66 (2) Each Member of the Council shall appoint a person to serve on the Council who may be assisted by one or more advisers
- 67 2. The Council shall adopt its own Rules of Procedure.
- 68 3. In the interval between Plenipotentiary Conferences, the Council shall act, as governing body of the Union, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.
- 69 4. (1) The Council shall take all steps to facilitate the implementation by the Members of the provisions of this Constitution, of the Convention, of the Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.
- 70 (2) It shall consider broad telecommunication policy issues in keeping with the guidelines given by the Plenipotentiary Conference in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment.
- 71 (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over the General Secretariat and the three Sectors.
- 72 (4) It shall contribute, in accordance with the purposes of the Union, to the development of telecommunications in the developing countries by every means at its disposal, including through the participation of the Union in the appropriate programmes of the United Nations.

## ARTICLE 11

### General Secretariat

- 73 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.



- 74 (2) The Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities.
- 75 (3) The Secretary-General shall take all the actions required to ensure economic use of the Union's resources and shall be responsible to the Council for all the administrative and financial aspects of the Union's activities.
- 76 (4) The Secretary-General shall act as the legal representative of the Union.
- 77 2. The Deputy Secretary-General shall be responsible to the Secretary-General; he shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.